

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-13498 - APPLICANT: THE KIDS ROOM - OWNER:
GLENBART PROPERTIES, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-13497) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow a zero-foot setback in the side yard area for a proposed accessory storage expansion to an existing furniture store where 10 feet is the minimum setback required on 0.55 acres at 2101 South Rainbow Boulevard.

EXECUTIVE SUMMARY

This is a continuation of an existing condition as the existing furniture store also has a zero-foot side yard setback. Additionally there is a building on the adjacent parcel that also is directly on the property line. The request is not due to a created hardship but rather due to the current conditions on the site. Therefore approval of this request is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 04/20/88 The City Council approved a Rezoning (Z-16-88) to a C-1 District in conjunction with a Paint Store on property at the northwest corner of Rainbow Boulevard and O'Bannon Drive. The Planning Commission recommended approval.
- 06/22/06 The Planning Commission recommended approval of companion item SDR-13497 concurrently with this application.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/ng).

B) Pre-Application Meeting

- 03/15/06 A pre-application meeting was held and elements of this project were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.55

B) Existing Land Use

Subject Property: Furniture Store
North: Retail
South: Retail
East: Retail/Restaurant
West: Offices

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: SC (Service Commercial)
West: O (Office)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: O (Office)

E) General Plan Compliance

The subject property is designated as SC (Service Commercial) under the Southwest Sector Plan of the General Plan. The Service Commercial designation allows low to medium intensity retail, office, or other commercial activities. This includes the existing use as a furniture store that specializes in children's furniture. The subject property is in compliance with the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The proposed development is not subject to any special area districts or zones.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required C-1	Requested	Compliance
Min. Lot Width	100 Feet	91 Feet	N
Min. Setbacks			
• Front	20 Feet	74 Feet	Y
• Side	10 Feet	Zero Feet	N
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	68 Feet	Y
Max. Lot Coverage	50 %	31.2 %	Y
Trash Enclosure	1	1	Y
Loading Space	1	1	Y

The proposed addition does not meet the current standards for side yard setbacks along the northern boundary of the site. The existing building also has a zero-foot setback in this area. The proposed addition is a continuation of an existing condition. The deviation from standards and required Variance can be supported.

It is noted that the site does not meet the current requirements for minimum lot width for the C-1 District. The site was originally approved in 1988 and met the standards of the time; therefore this deviation from current standards requires no action.

B) *General Analysis and Discussion*

The proposed accessory storage addition will have a zero-foot side yard setback. This is a continuation of an existing condition as the existing furniture store also has a zero-foot side yard setback. Additionally there is a building on the adjacent parcel that also is directly on the property line. This means that there will be little or no effect on the adjacent parcel as the two buildings will abut each other. As this is a continuation of an existing condition approval is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The request is a continuation of an existing condition. The request is not due to a created hardship but rather due to the current conditions on the site. Therefore approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 2

SENATE DISTRICT 6

NOTICES MAILED 116 by City Clerk

APPROVALS 0

PROTESTS 0